

TOWN OF NEWSTEAD – ZONING BOARD OF APPEALS
MINUTES of APRIL 27, 2006

Present: Bill Kaufman
Dave Wakeman
John Klodzinski
Peter Randall
Rebecca Baker – Zoning Officer
Jennifer Heberling – Recording Secretary
Absent: Corky Keppler

Bill called the meeting to order at 7:35 PM and led the Pledge of Allegiance to the American flag.

Began with review of minutes from last months meeting. Discussion on minutes. Bill questioned if a variance would stay with the property or the owner.

Area Variance Request – 13661 Main Rd. – Randy Fancher

Discussion on Integrity Auto. Bill had a conversation with Nathan Neill about conditions on the variance. It was discovered that the frontage on the property is really on 30', not 50'. The board can put a sunset clause as a condition if they wanted. If the variance passed Mr. Alexander would still have to apply for a special use permit and submit a site plan.

Bill asked for a motion to accept or deny Mr. Alexander's variance request. If it is accepted the conditions would be set later. Dave W. motioned to deny the variance request, seconded by Bill K.

Bill – Aye
John – Aye
Dave – Aye
Peter – Aye

Board feels this was too large of a variance to approve.

Area Variance Request – 12690 Main Road – Michael Shields

Public hearing held for an area variance request of 68' to operate a used car dealership at 12690 Main Road. Proof of public notice read. John Garas, attorney for Mike Shields appeared with Mr. Shields. Mr. Garas stated Mr. Shields has owned the property for many years and has operated an "illegal" used car lot. A special use permit was applied for several years ago and during that time a moratorium was placed on used car lots in the Town of Newstead. Attached to Mr. Shields variance request is a petition from his neighbors supporting his business. Without a variance, Mr. Shields isn't able to operate his business.

His neighbors are not willing to sell him any property. He doesn't want to be a large dealership, just larger than what he currently is. He is already in business, and has a DMV sign. Becky stated that any property owner may have one vehicle for sale. The Town has allowed him to keep the DMV sign as a compromise.

Bill stated that if the variance is granted, the Planning Board is going to require a site plan that he will have to comply with. The attorney realizes that he will still need a special use permit if the variance is granted. Prior application was submitted after the moratorium was enacted.

Bill had done some research with the Planning Board and found that if Mr. Shields had done a site plan prior to the moratorium, he would have been able to be approved at that time and would not be in this situation. Mr. Shields stated that he has been solely supporting himself by selling cars for the last 16 – 18 months.

John Good, Code Enforcement Officer, appeared to speak. Stated that one of his duties is to check the status of open building permits. Currently, the pole barn that he wants to park cars in, has no Certificate of Compliance, therefore the barn is not legal to occupy and we have no electrical inspection.

Mr. Shields said the building is not going to be used for his business. He claims it is 95% finished and that he can have it completed within one week. Bill stated that if the variance is granted, John will have to be given access to the building for inspection. He suggested tabling the variance for 30 days. He would like to actually speak to the neighbors who signed the petition.

Public hearing closed at 8:30PM.

Peter R. motioned to table variance request for 30 days, Dave W. seconded.

Bill – Aye
Dave – Aye
John – Aye
Peter – Aye

Area Variance Request – 7906 Cedar Street – Michael Allen

Public hearing held for an area variance request to construct a single-family home on a 36 acre parcel that already has a 2 family home. Proof of public notice read. Michael Allen appeared and claimed he didn't realize there was a difference between a 2 family and 2 one family homes. He wants to build both houses on the same lot so he doesn't tear up the woods to put in another driveway. He would like to have the pole barn to be with his house. He doesn't feel that a single family house will take anything away from the property. There are currently two apartments that are 1800 square feet total.

Any business in an RA zone would be limited with a special use permit. Nothing commercial would be allowed. Bill asked that if he ever wanted to sell the property, would he then split it and Mr. Allen stated he would sell it as one. Mr. Allen has plans for a 2300 square foot ranch with electric service separate from the barn. The garages under the apartments can only be accessed by Mr. Allen for his own storage.

The town is trying to look at ways to use back land, and Becky advised the Board that they are able to set conditions on variance if they felt it necessary. Mr. Allen is planning on putting the house about 200' behind the pole barn. Peter likes the setback that Mr. Allen has planned, but questioned how you make sure that is what he actually does?

Public hearing closed at 8:55PM.

Board reviewed use variance card. Motion made by John to accept the variance request with the stipulation that the second house must be to the west and north of the barn, seconded by Peter.

Bill – Aye
Dave – Aye
John – Aye
Peter – Aye

Area Variance Request – 7709 Scotland Road – Sherry & John Grande

Public hearing held for an area variance request to construct a 500 square foot barn, 35 feet from the road instead of the required 75 feet. Proof of public notice read. Sherry & John Grande appeared to speak. Pictures were provided to show where they would like to put the barn. The homeowners claim they have considered other locations on the property, but the contractor believes for drainage reasons, this would be the best spot. They possibly would like some animals in the future. Becky informed them that to house animals the barn would have to be 100 feet from any other houses. She also stated that we do have many barns in town that are closer to the road and currently a barn can be re-built on an existing footprint.

The Board would prefer that the barn be moved back 5 feet to have the barn 40 feet off the road. The homeowners would agree to that.

Public hearing closed at 9:30PM.

Discussion on variance request. Board reviewed use variance card. Motion made by John to accept the variance request with the condition that the barn be 40' off the road, seconded by Dave.

Bill – Aye
Dave – Aye
John – Aye
Peter - Aye

Peter motioned to adjourn the meeting at 9:30PM, seconded by Dave and all approved.

Respectfully submitted,
Jennifer L. Heberling
Recording Secretary